

I certify that the attached is a true and

correct copy of hb 1216, which

93 MAR -5 PM 1:32 of record on 2-25-93

and referred to the committee on:
HOUSE OF REPRESENTATIVES

Natural Resources

Betty M. Macey

Chief Clerk of the House

FILED FEB 25 1993

By *Nieto*

J.B. No. *1216*

A BILL TO BE ENTITLED

AN ACT

relating to validation of the creation of the Uvalde County
Underground Water Conservation District and actions of the
district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITION. In this Act, "district" means the
Uvalde County Underground Water Conservation District.

SECTION 2. VALIDATION. The creation of the district and all
resolutions, orders, and other acts or attempted acts of the board
of directors of the district are validated in all respects. The
creation of the district and all resolutions, orders, and other
acts or attempted acts of the board of directors of the district
are valid as though they originally had been legally authorized or
accomplished.

SECTION 3. PENDING LITIGATION. This Act does not apply to
or affect litigation pending on the effective date of this Act in
any court of competent jurisdiction in this state to which the
district is a party.

SECTION 4. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its

1 passage, and it is so enacted.

THE STATE OF TEXAS
COUNTY OF UVALDE

Before me, the undersigned authority, on this day personally

appeared Craig Garnett known to me, who being

duly sworn, on his oath deposes and says, that he is the Publisher of the Uvalde Leader-News, a newspaper of general circulation, which has been continuously and regularly published for a period of not less than one year in said County; that a copy of the within and foregoing notice was published in said newspaper ~~for a period of~~ publication being on the following dates:

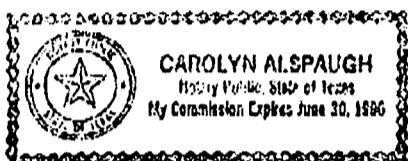
January 21, A. D. 19 93

and a newspaper copy of which is hereto attached.

Craig Garnett

Publisher of the Uvalde Leader-News

Sworn to and subscribed before me, this 24th day of February A. D., 19 93



Carolyn Alspaugh
Notary Public in and for Uvalde Co., Texas

NOTICE
A BILL TO BE ENTITLED
AN ACT RELATING TO
VALIDATION OF THE
OPERATION OF THE
UVALDE COUNTY
UNDERGROUND WATER
CONSERVATION DISTRICT
AND ACTIONS OF THE
DISTRICT
This is to give notice of intent
to introduce in the 73rd Legis-
lature Regular called session
a bill to be entitled an Act
relating to the creation of the
Uvalde County Underground
Water Conservation District
or a bill entitled an act relating
to the validation of the Uvalde
County Underground Water
Conservation District

HOUSE COMMITTEE REPORT

1st Printing

93 MAR 26 AM 9:27

HOUSE OF REPRESENTATIVES



By Nieto

H.B. No. 1216

Substitute the following for H.B. No. 1216:

By Nieto

C.S.H.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district; authorizing a tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITION. In this Act, "district" means the Uvalde County Underground Water Conservation District.

SECTION 2. VALIDATION. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are validated in all respects. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are valid as though they originally had been legally authorized or accomplished.

SECTION 3. BOUNDARIES. Pursuant to the petition to the Commissioners Court of Uvalde County, Texas, requesting the creation of the district, the district includes the territory contained within the boundaries of Uvalde County.

SECTION 4. FINDING OF BENEFIT. All the land and other property included within the boundaries of the district will be benefitted by the validation of the district.

SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water

1 Code, applicable to underground water conservation districts
2 created under Article XVI, Section 59, of the Texas Constitution.
3 This Act prevails over any provision of general law that is in
4 conflict or inconsistent with this Act.

5 (b) The district may develop and implement a drought
6 response plan, with reasonable rules, using water levels as
7 observed in the Uvalde Index Well YP-69-50-302.

8 (c) The rights, powers, privileges, authority, functions,
9 and duties of the district are subject to the continuing right of
10 supervision of the state to be exercised by and through the Texas
11 Water Commission.

12 SECTION 6. LEVY OF TAXES. The levy and collection of taxes
13 by the district is governed by Subchapter H, Chapter 52, Water
14 Code, except that the district may not levy a maintenance and
15 operating tax at a rate that exceeds two cents per \$100 assessed
16 valuation unless an election held in the district authorizes a
17 higher rate.

18 SECTION 7. PENDING LITIGATION. This Act does not apply to
19 or affect litigation pending on the effective date of this Act in
20 any court of competent jurisdiction in this state to which the
21 district is a party.

22 SECTION 8. EMERGENCY. The importance of this legislation
23 and the crowded condition of the calendars in both houses create an
24 emergency and an imperative public necessity that the
25 constitutional rule requiring bills to be read on three several
26 days in each house be suspended, and this rule is hereby suspended,
27 and that this Act take effect and be in force from and after its

C.S.H.B. No. 1216

1 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

3/22/93
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 1216 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (✓) yes () no An author's fiscal statement was requested. () yes (✓) no

A criminal justice policy impact statement was requested. () yes (✓) no

An equalized educational funding impact statement was requested. () yes (✓) no

An actuarial impact statement was requested. () yes (✓) no

A water development policy impact statement was requested. (✓) yes () no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Ch.	✓			
Harris, V.C.				✓
Bosse	✓			
Combs	✓			
Greenberg	✓			
Hochberg				✓
Lewis	✓			
Nieto	✓			
Puente	✓			
Turner	✓			
Yost	✓			

Total

9 aye
0 nay
0 present, not voting
2 absent

David Puente
CHAIRMAN

COMMITTEE ON NATURAL RESOURCES

H.B. 1216 by Nieto

C.S.H.B. 1216 by Nieto

BACKGROUND:

Uvalde County decided to leave the Edwards Underground Water District to form a county underground water conservation district. The citizens of the county voted to form this water district and request the State's validation of their actions.

PURPOSE:

As proposed, C.S.H.B. 1216 validates the Uvalde County Underground Water District.

SECTION-BY-SECTION ANALYSIS:

SECTION 1. Defines "district."

SECTION 2. Validates all previous resolutions, orders or acts of the board of directors.

SECTION 3. Establishes district boundaries.

SECTION 4. Legislative finding of benefit.

SECTION 5. (a) Provides for district to have all powers provided by state law, including Chapters 50 and 52, Water Code; provides for this Act to prevail over conflicts with general law.

(b) Provides for district to develop and implement a drought response plan for the district.

(c) Provides for continuing supervision by the state.

SECTION 6. Provides for the levy and collection of taxes by the district.

SECTION 7. Does not affect any pending litigation.

SECTION 8. Emergency Clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE:

The substitute bill added SECTION 3, SECTION 4, SECTION 5 and SECTION 6. These four sections were not contained in the original bill. The substitute did not omit any language from the original bill.

RULEMAKING AUTHORITY:

It is the opinion of the committee that this bill does not delegate any rulemaking authority to a state agency, officer, department, or institution.

SUMMARY OF COMMITTEE ACTION:

H.B. 1216 was considered in a public hearing on March 15, 1993. Testifying for H.B. 1216 was Mr. Bill Mitchell, Uvalde County Judge, Mr. Rodney Reagan, President, Uvalde County Water Conservation District, Mr. Maurice Rimkus, Uvalde County Farmer, Mrs. Knoxie Johnson, Director, Uvalde County Water Board, Mr. Keith Pate, Manager, Evergreen Underground Water Conservation District, Mr. Lawrence Friesenhahn, Uvalde County Farmer, Mrs. Virginia Friesenhahn, Uvalde County Farmer, Mr. Jeffery Kahl on his own behalf, Mrs. Brenda Kahl on her own behalf, Mrs. Luana Buckner, General Manager Medina County Underground Water Conservation District, Mr. Lee Schawe, Farmer on behalf of the Uvalde County Underground Water Conservation District, Mr. Dan Byfield, on behalf of the Texas Farm Bureau and Mr. Mark Riser, President, Brush County Underground Water Conservation District. Ms. Helen Day, legislative aide to Representative Linebarger submitted written testimony reflecting opposition to H.B. 1216 on behalf of the City of San Marcos. Representative Nieto offered a committee substitute. C.S.H.B. 1216 was referred to the Subcommittee on Water Districts which held a formal meeting on March 17, 1993. At that meeting the subcommittee adopted the substitute and sent it back to the full committee. The full committee met in a public hearing on March 22, 1993. A motion to report H.B. 1216 as substituted to the full house with the recommendation that it do pass and be printed carried with a vote of 9 Ayes, 0 Nays, 0 PNV, and 2 Absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 25, 1993

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 1216

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1216 (relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district; authorizing a tax) this office has determined the following:

No significant fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 4, 1993

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 1216
By: Nieto

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1216 (relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district) this office has determined the following:

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Source: LBB Staff: JO, JWH, DF

ADOPTED

APR 7 1993

Betty Messing
Chief Clerk
House of Representatives

By Nieto

H.B. No. 1216

Substitute the following for H.B. No. 1216:

By *Nieto*

C.S.H.B. No. 1216

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SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water

1 Code, applicable to underground water conservation districts
2 created under Article XVI, Section 59, of the Texas Constitution.
3 This Act prevails over any provision of general law that is in
4 conflict or inconsistent with this Act.

5 (b) The district may develop and implement a drought
6 response plan, with reasonable rules, using water levels as
7 observed in the Uvalde Index Well YP-69-50-302.

8 (c) The rights, powers, privileges, authority, functions,
9 and duties of the district are subject to the continuing right of
10 supervision of the state to be exercised by and through the Texas
11 Water Commission.

12 SECTION 6. LEVY OF TAXES. The levy and collection of taxes
13 by the district is governed by Subchapter H, Chapter 52, Water
14 Code, except that the district may not levy a maintenance and
15 operating tax at a rate that exceeds two cents per \$100 assessed
16 valuation unless an election held in the district authorizes a
17 higher rate.

18 SECTION 7. PENDING LITIGATION. This Act does not apply to
19 or affect litigation pending on the effective date of this Act in
20 any court of competent jurisdiction in this state to which the
21 district is a party.

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23 and the crowded condition of the calendars in both houses create an
24 emergency and an imperative public necessity that the
25 constitutional rule requiring bills to be read on three several
26 days in each house be suspended, and this rule is hereby suspended,
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C.S.H.B. No. 1216

1 passage, and it is so enacted.

HOUSE ENGROSSMENT

By Nieto

H.B. No. 1216

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25 constitutional rule requiring bills to be read on three several
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27 and that this Act take effect and be in force from and after its

H.B. No. 1216

1 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
73rd Regular Session**

March 25, 1993

**TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas**

**IN RE: Committee Substitute for
House Bill No. 1216**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1216 (relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district; authorizing a tax) this office has determined the following:

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Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 4, 1993

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 1216
By: Nieto

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1216 (relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district) this office has determined the following:

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Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF

H. B. No. 1216

By Nieto

A BILL TO BE ENTITLED

AN ACT

relating to validation of the creation of the Uvalde County
Underground Water Conservation District and actions of the
district.

FEB 25 1993

1. Filed with the Chief Clerk.

MAR 1 1993

2. Read first time and Referred to Committee on

NATURAL RESOURCES

MAR 22 1993

3. Reported favorably (~~as amended~~) and sent to Printer at 7:30 pm
(as substituted) MAR 25 1993

MAR 26 1993

4. Printed and distributed at 9:27 AM

MAR 26 1993

5. Sent to Committee on Calendars at 10:00 AM

APR 7 1993

6. Read second time (~~amended~~) as subs.; passed to third reading (~~failed~~) by (Non-Record Vote)
(Record Vote of yeas, nays, present, not voting)

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

APR 7 1993

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote
of 114 yeas, 23 nays, 2 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
nays, and present, not voting).

APR 7 1993

12. Ordered Engrossed at 1:27 pm

APR 7 1993

13. Engrossed.

APR 7 1993

14. Returned to Chief Clerk at 10:12 pm

APR 13 1993

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

APR 13 1993

16. Received from the House

APR 14 1993

17. Read, referred to Committee on NATURAL RESOURCES

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(yeas, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES
93 APR -7 PM 12:12

HOUSE OF REPRESENTATIVES
93 MAR 26 AM 9:27

12/6

REQUEST FOR WATER DEVELOPMENT POLICY IMPACT STATEMENT

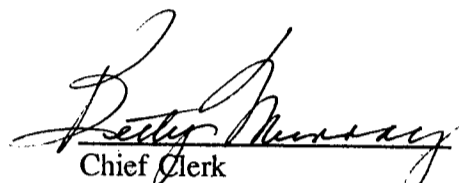
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: Texas Water Commission

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

This is to transmit to you a copy of H. B. No. 1216, a bill relating to the creation of a conservation and reclamation district, for preparation of a water development policy impact statement, under House Rule 4, Section 36.

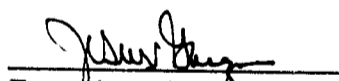
February 25, 1993
Date transmitted to
Texas Water Commission


Chief Clerk
House of Representatives

TO: The Honorable Members of the
Texas House of Representatives

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

Attached is the Water Development Policy Impact Statement prepared by the Texas Water Commission and the Texas Water Development Board for the above mentioned bill, in compliance with House Rule 4, Section 36.


Executive Director
Texas Water Commission

FOR CHIEF CLERK USE

IMPACT STATEMENT RECEIVED FROM TEXAS WATER COMMISSION ON _____
date

IMPACT STATEMENT DELIVERED TO COMMITTEE ON _____
name of committee
ON _____
date

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner

TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

March 11, 1993

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives
State Capitol Building, Room 241
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a
recommendation on legislation pursuant to Article XVI,
Section 59 (d), Texas Constitution.

H.B. 1216 by Nieto

Relating to the validation of the Uvalde County
Underground Water Conservation District

Dear Speaker Laney:

House Bill 1216 would validate the creation of the Uvalde County Underground Water Conservation District and the actions of the district. The Commission is not aware of the details regarding the creation, administration, powers, duties, boundaries, election of directors and funding of this district. The Act does not provide such details and no information or records have been submitted to the Commission regarding this district. The impacts of the creation of this district on state water development policy, therefore, cannot be determined.

Respectfully yours,



Jesús Garza
Executive Director

JG/SPM/km

cc: Representative Counts, Chairman
House Natural Resources Committee
Representative Nieto

BILL ANALYSIS

Senate Research Center

H.B. 1216
By: Nieto
Natural Resources
5-12-93
Engrossed

BACKGROUND

Uvalde County decided to leave the Edwards Underground Water District to form a county underground water conservation district. The citizens of the county voted to form the Uvalde County Underground Water District and request the state's validation of such actions.

PURPOSE

As proposed, H.B. 1216 provides for the validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district; authorizes a tax.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITION. Defines "district."

SECTION 2. VALIDATION. Provides that the creation of the Uvalde County Underground Water District (district) and all resolutions, orders, and other acts of the board of directors of the district (board) are validated in all respects. Provides that the creation of the district and all acts or attempted acts of the board are valid as though they originally had been legally authorized or accomplished.

SECTION 3. BOUNDARIES. Provides that pursuant to the petition to the Commissioners Court of Uvalde County, Texas, requesting the creation of the district, the district includes the territory contained within the boundaries of Uvalde County.

SECTION 4. FINDING OF BENEFIT. Provides that all land and other property included within the boundaries of the district will be benefitted by the validation of the district.

SECTION 5. POWERS. (a) Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, Texas Constitution. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Authorizes the district to develop and implement a drought response plan, with response rules, using water levels as observed in Uvalde Index Well YP-69-50-302.

(c) Provides that certain rights and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 6. LEVY OF TAXES. Provides that the levy and collection of taxes by the district is governed by Subchapter H, Chapter 52, Water Code. Prohibits the district from levying a maintenance and operating tax at a rate that exceeds two cents per \$100 assessed valuation unless an election held in the district authorizes a higher rate.

SECTION 7. PENDING LITIGATION. Provides that this Act does not apply to or affect litigation pending on the effective date of this Act in any court of competent jurisdiction in this state to which the district is a party.

SECTION 8. Emergency clause.
Effective date: upon passage.